

Message Text

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S E C R E T STATE 205314

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QTE

S E C R E T USUN 3250

FROM: LOS DEL

E.O. 11652: GDS

TAGS: PLOS

SUBJ: LOS: COMMITTEE I: U.S. DRAFT COUNCIL ARTICLE

1. U.S. DEL WILL THIS AFTERNOON DISTRIBUTED TO MEMBERS
OF GROUP OF 5 (USSR, UK, FRANCE, AND JAPAN) AND FRG ON PRIVATE
BASIS, DRAFT ARTICLE 27 (COMPOSITION AND VOTING IN COUNCIL)
AND ATTACHED ANNEX. TEXT OF DRAFT ARTICLE AND ANNEX FOLLOWS:

ARTICLE 27

THE COUNCIL

1. THE COUNCIL SHALL CONSIST OF 36 MEMBERS OF THE AUTHORITY
ELECTED BY THE ASSEMBLY, THE ELECTION TO TAKE PLACE IN THE
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FOLLOWING ORDER:

(A) THE SIX INDUSTRIALIZED STATES WHICH HAVE MADE THE
GREATEST CONTRIBUTIONS TO THE UNDER-

STANDING AND EXPLORATION OF THE AREA AND THE EXPLOITATION OF ITS RESOURCES AS DEMONSTRATED BY SUBSTANTIAL INVESTMENTS OR ADVANCED TECHNOLOGY IN RELATION TO THE RESOURCES OF THE AREA, INCLUDING AT LEAST ONE EASTERN EUROPEAN STATE;

(B) THE SIX STATES WHICH ARE IN RANK ORDER THE PRINCIPAL PRODUCERS OF THE CATEGORIES OF MINERALS TO BE DERIVED FROM THE AREA AS SPECIFIED IN ANNEX ...;

(C) THE SIX STATES WHICH ARE IN RANK ORDER THE PRINCIPAL CONSUMERS OF THE CATEGORIES OF MINERALS TO BE DERIVED FROM THE AREA AS SPECIFIED IN ANNEX;

(D) SIX STATES FROM THE DEVELOPING COUNTRIES AT LEAST TWO BEING DRAWN FROM THE LEASE DEVELOPED COUNTRIES;

(E) TWELVE STATES ELECTED ACCORDING TO THE PRINCIPLE OF EQUITABLE GEOGRAPHIC DISTRIBUTION, TO INCLUDE AT LEAST TWO FROM EACH OF THE FOLLOWING REGIONS: AFRICA, ASIA, LATIN AMERICA, EASTERN RUOEPE, WESTERN EUROPE AND OTHERS.

2. AT LEAST ONE-FOURTH OF THE MEMBERS OF THE COUNCIL SHALL BE LANDLOCKED AND GEOGRAHICALLY DISADVANTAGED STATES.

3. IN ELECTING THE COUNCIL, THE ASSEMBLY SHALL ENSURE THAT THE MEMBERS OF THE COUNCIL, TAKEN AS A WHOLE, ACCOUNT FOR 60PERCENT OF THE TOTAL VALUE OF THE PRODUCTION, AS WELL AS 60PERCENT OF THE TOTAL VALUE OF THE CONSUMPTION, OF THE CATEGORIES OF MINERALS TO BE DERIVED FROM THE
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AREA ACCOUNTED FOR BY THE MEMBERS OF THE AUTHORITY AND CALCULATED IN ACCORDANCE WITH ANNEX

4. STATE PARTIES SHALL BE ELIGIBLE FOR ELECTION TO ONLY ONE OF THE CATEGORIES SPECIFIED IN PARAGRAPH 1 ABOVE. IN THOSE CASES WHERE A STATE PARTY IS QUALIFIED FOR ELECTION TO MORE THAN ONE CATEGORY, IT SHALL SELECT THE CATEGORY TO WHICH IT CHOOSES TO BE ELECTED. MEMBERS SHALL BE ELIGIBLE FOR REELECTION.

5. ELECTIONS SHALL TAKE PLACE AT REGULAR SESSIONS OF THE ASSEMBLY, AND EACH MEMBER OF THE COUNCIL SHALL BE ELECTED FOR A TERM OF FOUR YEARS.

6. THE COUNCIL SHALL FUNCTION AT THE SEAT OF THE AUTHORITY, AND SHALL MEET IN CONTINUOUS SESSION, UNLESS IT DECIDES OTHERWISE.

7. BEFORE THE ELECTION OF THE COUNCIL BY THE ASSEMBLY, ANY MEMBER OF THE AUTHORITY MAY ASSIGN TO ANY OTHER MEMBERS OF ITS CHOOSING ALL OF ITS PERCENTAGE OF THE TOTAL VALUE OF THE PRODUCTION, AS WELL AS ALL OF ITS PERCENTAGE OF THE TOTAL VALUE OF CONSUPTION, OF THE CATEGORIES OF MINERALS TO BE DERIVED FROM THE AREA CALCULATED IN ACCORDANCE WITH ANNEX FOR THE PURPOSES OF DETERMINING THOSE MEMBERS OF THE AUTHORITY WHICH QUALIFY FOR MEMBERSHIP IN THE PRINCIPAL PRODUCER AND THE PRINCIPAL CONSUMER CATEGORIES UNDER PARAGRAPHS 1(B) AND (C) OF THIS ARTICLE, MEMBERS SHALL BE DEEMED TO ACCOUNT FOR THOSE PERCENTAGES ASSIGNED TO THEM UNDER THIS PARAGRAPH. (ASTERIK)

8. ANY MEMBER OF THE AUTHORITY NOT ELECTED TO THE COUNCIL WHO HAS NOT ASSIGNED ITS PERCENTAGES TO ANOTHER MEMBER ELECTED TO THE COUNCIL UNDER PARAGRAPH 7 ABOVE MAY ASSIGN TO ANY COUNCIL MEMBER OF ITS CHOOSING ALL OF ITS PERCENTAGE OF THE TOTAL VALUE OF THE PRODUCTION, AS WELL AS ALL OF ITS PERCENTAGE OF THE TOTAL VALUE OF THE CONSUMPTION, OF THE CATEGORIES OF MINERALS TO BE DERIVED FROM THE AREA CALCULATED IN ACCORDANCE WITH ANNEX THE VOTE OF ANY MEMBER OF THE COUNCIL
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SHALL BE DEEMED TO INCLUDE THE TOTAL VALUE OF PRODUCTION, AS WELL AS THE TOTAL VALUE OF CONSUMPTION, ASSIGNED TO THAT MEMBER UNDER BOTH THIS PARAGRAPH AND PARAGRAPH 7. APPROPRIATE ARRANGEMENTS SHALL BE ESTABLISHED FOR CONSULTATION BETWEEN MEMBERS OF THE COUNCIL AND THOSE STATES PARTIES WHICH HAVE ASSIGNED PERCENTAGES TO THEM. PERCENTAGES ASSIGNED UNDER THIS PARAGRAPH MAY BE WITHDRAWN, UPON THREE MONTHS NOTICE TO THE MEMBER OF THE COUNCIL TO WHICH THEY HAVE BEEN ASSIGNED, AND SUBSEQUENTLY REASSIGNED TO ANOTHER MEMBER. (ASTERIK)

9. DECISIONS ON QUESTIONS OF PROCEDURE SHALL BE MADE BY A SIMPLE MAJORITY OF THE MEMBERS PRESENT AND VOTING.

10. EXCEPT AS PROVIDED IN PARAGRAPH 11 OF THIS ARTICLE, ALL DECISIONS ON QUESTIONS OF SUBSTANCE AND ON WHETHER A QUESTION IS ONE OF SUBSTANCE OF PROCEDURE SHALL BE MADE BY A THREE-FOURTHS MAJORITY OF THE MEMBERS OF THE COUNCIL, PROVIDED THAT SUCH MAJORITY INCLUDES AT LEAST ONE-HALF OF TOTAL VALUE OF THE CONSUMPTION, OF THE CATEGORIES OF MINERALS TO BE DERIVED FROM THE AREA ACCOUNTED FOR BY THE MEMBERS OF THE AUTHORITY AND

CALCULATED IN ACCORDANCE WITH ANNEX

11. ALL DECISIONS RELATED TO THE EXERCISE OF THE COUNCIL'S POWERS AND FUNCTIONS UNDER PARAGRAPH 2 (XI) OF ARTICLE 28, THE BUDGET OF THE AUTHORITY AND THE ASSESSMENT OF CONTRIBUTIONS OF STATES PARTIES (ARTICLES ...) AND ARTICLES SHALL BE MADE BY A THREE-FOURTHS MAJORITY OF THE MEMBERS OF THE COUNCIL, PROVIDED THAT SUCH MAJORITY INCLUDES AT LEAST THREE-FOURTHS OF THE TOTAL VALUE OF THE PRODUCTION, AS WELL AS THREE-FOURTHS OF THE TOTAL VALUE OF THE CONSUMPTION, OF THE CATEGORIES OF MINERALS TO BE DERIVED FROM THE AREA ACCOUNTED FOR BY THE MEMBERS OF THE AUTHORITY AND CALCULATED IN ACCORDANCE WITH ANNEX

12. BEFORE ANY MATTER OF SUBSTANCE IS PUT TO A VOTE, A DETERMINATION THAT EFFORTS HAVE BEEN MADE TO REACH GENERAL AGREEMENT SHALL BE MADE BY THE MAJORITIES SPECIFIED IN PARAGRAPH 10.

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13. THE COUNCIL SHALL ESTABLISH A PROCEDURE WHEREBY A MEMBER OF THE AUTHORITY NOT REPRESENTED ON THE COUNCIL MAY SEND A REPRESENTATIVE TO ATTEND A MEETING OF THE COUNCIL WHEN A REQUEST IS MADE BY SUCH MEMBER, AND A MATTER PARTICULARLY AFFECTING IT IS UNDER CONSIDERATION. SUCH A REPRESENTATIVE SHALL BE ENTITLED TO PARTICIPATE IN THE DELIBERATIONS BUT NOT TO VOTE.

ASTERIC NOTE: PROVISION SHOULD BE MADE IN THE POWERS AND FUNCTIONS OF THE SECRETARY GENERAL (ARTICLES 42-45) FOR MAINTAINING A RECORD OF THE ASSIGNMENTS MADE UNDER PARAGRAPHS 7 AND 8 OF THIS ARTICLE.

ANNEX

1. ONCE IN EVERY FOUR-YEAR PERIOD IMMEDIATELY BEFORE EACH ELECTION OF THE MEMBERS OF THE COUNCIL BY THE ASSEMBLY, THE COUNCIL SHALL REVIEW, AND IF NECESSARY AND UPON THE RECOMMENDATION OF THE ECONOMIC PLANNING COMMISSION REVISE, THE PERCENTAGES OF THE TOTAL VALUE OF THE PRODUCTION, AS WELL AS THE PERCENTAGES OF THE TOTAL VALUE OF THE CONSUMPTION, OF THE MEMBERS OF THE AUTHORITY ASSIGNED TO STATES PARTIES IN ACCORDANCE WITH THE PROVISIONS OF THIS ANNEX.

2. (A) WITHIN SIX MONTHS OF THE END OF EACH CALENDAR YEAR, STATE PARTIES SHALL MAKE AVAILABLE TO THE ECONOMIC PLANNING COMMISSION THEIR ANNUAL CONSUMPTION AND PRODUCTION TONNAGE FIGURES FOR COBALT, COPPER, MANAGANESE AND NICKEL IN THE FORM PRESCRIBED IN PARAGRAPH 3 BELOW.

(B) THE CONOOMIC PLANNING COMMISSION SHALL

REVIEW THE REPORTED TONNAGES OF STATES PARTIES AND CONSULT WITH THEM WITH A VIEW TOWARDS ENSURING ACCURACY AND COMPLETENESS OF THE DATA. IN REVIEWING THE REPORTED TONNAGES OF STATES PARTIES, THE COMMISSION SHALL, WHERE APPROPRIATE, REFER TO OTHER INTERNATIONAL MINERALS STATISTICAL SOURCES OF WIDELY RECOGNIZED RELIABILITY.

3. ANNUAL PRODUCTION AND CONSUMPTION TONNAGE FIGURES

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TO BE MADE AVAILABLE TO THE ECONOMIC PLANNING COMMISSION BY STATES PARTIES IN ACCORDANCE WITH PARAGRAPH 2 OF THIS ANNEX SHALL BE REPORTED IN THE FOLLOWING MANNER:

(A) ANNUAL TONNAGES OF COBALT PRODUCED BY STATES PARTIES SHALL BE REPORTED SEPARATELY FOR (I) MINE PRODUCTION IN TERMS OF METAL CONTENT IN ORE AND (II) SMELTER (REFINED) METAL PRODUCTION;

(B) ANNUAL TONNAGES OF COPPER PRODUCED BY STATES PARTIES SHALL BE REPORTED SEPARATELY FOR (I) MINE PRODUCTION, IN TERMS OF METAL CONTENT IN ORE, (II) SMELTER (BLISTER) PRODUCTION, AND (III) REFINED METAL PRODUCTION;

(C) ANNUAL TONNAGES OF MANGANESE PRODUCED BY STATES PARTIES SHALL BE REPORTED FOR MINE PRODUCTION IN TERMS OF GROSS WEIGHT OF ORE AND AVERAGE METAL CONTENT OF ORE;

(D) ANNUAL TANNAGES OF NICKEL PRODUCED BY STATES PARTIES SHALL BE REPORTED SEPARATELY FOR (I) MINE PRODUCTION IN TERMS OF METAL CONTENT IN ORE AND (II) SMELTER (REFINED) PRODUCTION;

(E) ANNUAL TONNAGES OF COBALT, COPPER, MANAGANESE AND NICKEL CONSUMED BY STATES PARTIES SHALL BE REPORTED IN TERMS OF REFINED METAL CONSUMPTION.

4. NO LATER THAN THREE MONTHS BEFORE THE COMMENCEMENT OF AN ASSEMBLY SESSION AT WHICH A NEW COUNCIL IS TO BE ELECTED, THE ECONOMIC PLANNING COMMISSION SHALL PREPARE AND SUBMIT TO THE COUNCIL FOR APPROVAL IN ACCORDANCE WITH PARAGRAPH 1 OF THIS ANNEX A REVISED SCHEDULE OF COMSUMPTION AND PRODUCTION PERCENTAGES OF STATES PARTIES CALCULATED IN THE FOLLOWING MANNER;

(A) THE ANNUAL PRODUCTION TONNAGES OF EACH STATE PARTY FOR EACH OF THE MINERAL PRODUCTS OF THE FOUR SEABED MINERALS SPECIFIED IN PARAGRAPH 3 SHALL BE CALCULATED AS AN AVERAGE OF THE FOUR PRECEDING YEARS(BASE PERIOD). THE AVERAGE ANNUAL CONSUMPTION TONNAGES OF EACH STATE PARTY FOR CONSUMPTION OF THE FOUR SEABED MINERALS SPECIFIED IN PARAGRAPH 3 SHALL BE CALCULATED ON THE SAME BASIS.

(B) AN AVERAGE UNIT-VALUE FOR EACH OF THE FOUR SEABED MINERALS DURING THE BASE PERIOD SHALL BE

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SELECTED ON THE BASIS OF INTERNATIONALLY REPORTED MARKET PRICES FOR THE REFINED METAL PRODUCTS SPECIFIED IN PARAGRAPH 3. THIS AVERAGE UNIT-VALUE SHALL BE DEEMED TO APPLY TO ALL THE MINERAL PRODUCTS AND TO THE CONSUMPTION OF THE SEABED MINERAL CONCERNED, AND THE TOTAL VALUE OF EACH STATE PARTY'S AVERAGE ANNUAL PRODUCTION OF THE FOUR SEABED MINERALS AND AVERAGE ANNUAL CONSUMPTION OF THE FOUR SEABED MINERALS SHALL THEN BE CALCULATED SEPARATELY.

(C) THE PERCENTAGE OF THE TOTAL AVERAGE ANNUAL VALUE OF THE PRODUCTION OF THE FOUR SEABED MINERALS OF THE MEMBERS OF THE AUTHORITY ACCOUNTED FOR BY EACH STATE PARTY SHALL THEN BE DETERMINED, AS WELL AS ITS PERCENTAGE OF THE TOTAL VALUE OF THE CONSUMPTION OF THE FOUR SEABED MINERALS OF THE MEMBERS OF THE AUTHORITY. IF THE TOTAL VALUE OF THE PRODUCTION, AS WELL AS THE TOTAL VALUE OF THE CONSUMPTION, OF THE CATEGORIES OF MINERALS TO BE DERIVED FROM THE AREA ACCOUNTED FOR BY ALL STATES WERE TO BE CALCULATED GENERAL IN ACCORDANCE WITH PARAGRAPH 4 OF THE DRAFT ANNEX ASTERIC, THE RESPECTIVE PRODUCTION AND CONSUMPTION PERCENTAGES MIGHT CORRESPOND TO THE FOLLOWING SCHEDULE:

COUNTRY PERCENT PRODUCTION

US	19.0
USSR	15.4
CANADA	9.9
JAPAN	7.9
ZAMBIA	7.7
CHILE	7.1
ZAIRE	4.8
AUSTRALIA	2.7
FRG	2.4
SOUTH AFRICA	2.0
POLAND	1.8
CHINA	
- PEOPLE'S REPUBLIC	1.7
- REPUBLIC OF (TAIWAN)	.0
PERU	1.6
BELGIUM	1.6
YUGOSLAVIA	1.6
FRANCE	1.5
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UK	.9
SPAIN	.9
MEXICO	.8

COUNTRY PERCENT CONSUMPTION

US	25.1
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USSR	13.7
JAPAN	12.5
FRG	8.5
UK	6.0
FRANCE	4.9
CHINA	
- PEOPLE'S REPUBLIC	3.5
- REPUBLIC OF (TAIWAN)	.2
ITALY	3.5
CANADA	2.8
BELGIUM	1.8
SWEDEN	1.7
BRAZIL	1.5
POLAND	1.5
SPAIN	1.5
AUSTRAL	1.3
GDR	1.2
CZECHOSLOVAKIA	.9
YUGOSLAVIA	.9
MEXICO	.7

ASTERIC NOTE: AS A SUBSTITUTE FOR PRODUCTION AND CONSUMPTION
 TONNAGE STATISTICS WHICH WOULD BE REPORTED BY
 STATES UNDER PARAGRAPH 2 OF THE DRAFT ANNEX,
 THESE PERCENTAGES ARE DERIVED FROM A COMPOSITE
 REVIEW OF MINERALS STATISTICS REPORTED IN
 RECOGNIZED INTERNATIONAL STATISTICAL SOURCES.
 THEY ARE BASED ON A THREE-YEAR AVERAGE (1972-74),
 RATHER THAN THE FOUR-YEAR AVERAGE SPECIFIED
 IN PARAGRAPH 3. FINALLY, AS A RESULT OF
 THE UNAVAILABILITY OF RELIABLE DATA ON THE
 CONSUMPTION OF MANGANESE AND COBALT ON A
 WORLD-WIDE, COUNTRY-BY-COUNTRY BASIS, THE
 CONSUMPTION PERCENTAGES ARE BASED EXCLUSIVELY
 ON REPORTED CONSUMPTION OF COPPER AND NICKEL.

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COUNTRY	PERCENT PRODUCTION
PHILIPPINES	.8
NORWAY	.7
PAPUA NEW GUINEA	.6
FINLAND	.6
SWEDEN	.6
BULGARIA	.5
CUBA	.5
ROMANIA	.4
DOMINICAN REPUBLIC	.4
GDR	.3
BRAZIL	.3
TURKEY	.3
INDONESIA	.3
NAMIBIA	.2

INDIA	.2
GREECE	.2
GABON	.2
NORTH KOREA	.1
AUSTRIA	.1
ALBANIA	.1
CZECHOSLOVAKIA	.1
REPUBLIC OF KOREA	.1
MAURITANIA	.1
HUNGARY	.1
UGANDA	.1
CYPRUS	.1
MOROCCO	.1
IRAN	.1
OTHER	.1

CONTRY	PERCENT CONSUMPTION
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SOUTH AFRICA	.7
INDIA	.6
ROMANIA	.6
AUSTRIA	.6
BULGARIA	.5
NETHERLANDS	.4
ARGENTINA	.4

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FINLAND	.3
CHILE	.3
HUNGARY	.3
SWITZERLAND	.3
REPUBLIC OF KOREA	.2
GREECE	.2
NORWAY	.1
TURKEY	.1
PORTUGAL	.1
PERU	.1
IRAN	.1
EGYPT	.1
DENMARK	.1
SOUTHERN RHODESIA	.1
OTHER	.1

2. DRAFT ARTICLE AND ANNEX ARE FULLY AGREED BY U.S. DEL WITH EXCEPTION OF REQUIREMENT IN PARA 10 OF ARTICLE FOR THREE-FOURTHS MAJORITY OF MEMBERS OF COUNCIL FOR AFFIRMATIVE DECISIONS. SOME AGENCIES BELIEVE THAT, WHEN COUPLED WITH REQUIREMENT FOR 51 PERCENT OF BOTH PRODUCTION AND CONSUMPTION VOTES TO PASS COUNCIL DECISIONS UNDER PARA. 10, OVERALL MEMBERSHIP VOTE REQUIREMENT SHOULD BE LOWER THAN THREE-FOURTHS. DEL HAS AGREED TO CIRCULATE ARTICLE TO GROUP OF 5 AND

FRG WITH THREE-FOURTHS REQUIREMENT IN PARA. 10, BUT
ALSO EXPRESSLY TO SOLICIT THESE DELEGATIONS' VIEWS
ON THAT PARA. U.S. DEL HAS MADE NO PLANS FOR FUTHER
CIRCULATION OF DRAFT ARTICLE TO OTHER COUNTRIES IN
COMMITTEE I. WE INTEND TO AWAIT REACTIONS OF THESE
FIVE, KEY INDUSTRIALIZED COUNTRIES ON ARTICLE BEFORE
TAKEN ANY FURTHER ACTION.
BENNETT UNQTE KISSINGER

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